



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,075	02/16/2001	Michael Brandt Handler	202585US8	4898
22850	7590	09/13/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ZHONG, CHAD				
ART UNIT		PAPER NUMBER		
2152		11		

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,075

Applicant(s)

HANDLER ET AL.

Examiner

Chad Zhong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 08/27/2004. This action has been made final.

2. Claims 1-38 are presented for examination. In amendment B, filed on 08/27/2004:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6, 8-9, 11-19, 21-22, 24-29, 31-32, 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Bahlmann, US 6,487,594.

5. As per claim 1, Bahlmann teaches a system for self-authenticating a first end-user connected to a common network and a second end-user connected to the common network, the first end-user being a customer of a first service provider of multiple service providers and the second end-user being a customer of a second service provider of multiple service providers, comprising:

a digital repository populated with service provider entries including information about the first service provider and other information about the second service provider (Col. 2, lines 13-24, lines 30-39),

end-user entries including information about the first end-user and other information about the second

end-user, each of the end-user entries being associated with at least one service provider entry (Col. 2, lines 13-24, lines 30-39; Col. 3, lines 5-25), and

service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry (Col. 3, lines 5-25);

a processor; and

a computer readable medium encoded with processor readable instructions that when executed by the processor implement (Col. 3, lines 5-25),

a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user (Fig 1; Col. 3, lines 5-25, lines 40-47, lines 57-62),

a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism (Col. 4, lines 18-22, lines 30-44),

the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user (Col. 4, lines 18-22),

a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism (Col. 3, lines 5-25; Col. 4, lines 18-22),

a service allocation mechanism configured to provide the level of service purchased to the one of the first end-user and the second end-user authenticated by the end-user authentication mechanism (Col. 3, lines 5-25; Col. 4, lines 18-22, lines 35-44).

6. As per claim 2, Bahlmann teaches the system of claim 1, wherein the digital repository comprises

a database (Col. 2, lines 10-15).

7. As per claim 3, Bahlmann teaches the system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services (Col. 3, lines 30-36).

8. As per claim 4, Bahlmann teaches the system of claim 3, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand (Col. 3, lines 30-36).

9. As per claim 5, Bahlmann teaches the system of claim 1, wherein the common network comprises an open access network (Col. 4, lines 36-44).

10. As per claim 6, Bahlmann teaches the system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network (Col. 3, lines 30-33).

11. As per claim 8, Bahlmann teaches the system of claim 1, wherein at least one of the multiple service providers comprises an Internet service provider (Col. 2, lines 35-40).

12. As per claim 9, Bahlmann teaches the system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network (Col. 3, lines 30-35).

13. As per claim 11, Bahlmann teaches the system of claim 1, wherein the bandwidth allocation mechanism is further configured to direct an end-user to the end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism (Col. 6, lines 1-15; Col. 4, lines 18-22, lines 35-44).

14. As per claim 12, Bahlmann teaches the system of claim 1, wherein the bandwidth allocation

mechanism is further configured to use a policy-based routing to direct an end-user to the end-user authentication mechanism (Col. 3, lines 5-25; Col. 4, lines 18-22, lines 35-44).

15. As per claim 13, Bahlmann teaches the system of claim 1, wherein the bandwidth allocation mechanism is further configured to use at least one of a Layer Two Tunneling Protocol and policy-based routing to direct an end-user to the end-user authentication mechanism (Col. 3, lines 5-25; Col. 4, lines 18-22, lines 35-44).

16. As per claim 14, Bahlmann teaches the system of claim 1 wherein the bandwidth allocation mechanism is further configured to set IP address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism (Col. 3, lines 3-25, lines 30-36; Col. 4, lines 30-44).

17. As per claim 15-19, 21-22, Claims 15-19 and 21-22 are rejected for the same reasons as rejection to claims 1, 3-6, 8-9 above respectively.

18. As per claim 24-25, Claims 24-25 are rejected for the same reasons as rejection to claim 1 above.

19. As per claim 26-29, 31-32, 34-37, Claims 26-29, 31-32, 34-37 are rejected for the same reasons as rejection to claims 3-6, 8-9, 11-14 above respectively.

20. As per claim 38, Claim 38 is rejected for the same reasons as rejection to claim 1 above.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2154

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 7, 10, 20, 23, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlaman, US 6,487,594, in view of 'Official Notice' in the example of Sistanizadeh et al. (hereinafter Sistanizadeh), US 6,101,182.

23. As per claim 7, Bahlmann does not teach hybrid fiber optic and coaxial network. However, "Official Notice" is taken that the concept and advantages of providing for a hybrid fiber co-axial network for transportation purposes is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include a portion of common network is a hybrid network with Bahlmann because it would provide for faster and greater range of transportation. As an illustrative example, referring to Sistanizdeh, Col. 3, lines 15-40. Sistanizdeh teaches the notion of hybrid co-axial network for improvement of speed.

24. As per claim 10, Bahlmann does not teach the system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification. However, "Official Notice" is taken that the concept and advantages of providing for a European Data Over Cable Service Interface Specification network transportation purposes in another country is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include European Data Over Cable Service Interface Specification network because it would provide for other modes of operation in other countries/territories.

25. As per claims 20 and 30, claims 20 and 30 are rejected for the same reasons as rejection to claim 7 above.

Art Unit: 2154

26. As per claims 23 and 33, claims 23 and 33 are rejected for the same reasons as rejection to claim 10 above.

Conclusion

27. Applicant's remarks filed 8/27/04 have been considered but are found not persuasive.

28. In the remark, the Applicant argued in substance that Bahlmann does not teach providing multiple data service providers a high-speed network to expand their customer base, Bahlmann is directed to a policy management method and system for use by a single internet service provider (hereinafter ISPs).

In response to Applicant's amendment, Bahlmann does teach the above section.

Referring to Col. 3, lines 5-15, lines 55-63; Col. 5, lines 23-29, Bahlmann explicitly teaches the notion of multiple ISPs connecting to centralized location as shown in figure 4. Applicant believes Bahlmann is directed towards a single service provider, this assertion is based upon Fig 5 among other sections, wherein Bahlmann shows only a *sample* of one Service provider (emphasis added), the remaining ISPs certainly have the capability to connect to said central service. Thus Bahlmann teaches the notion of plurality/multiple service providers connecting to a centralized location.

29. In the remark, Applicant argued in substance that Bahlmann in view of Official Notice have no references cited to support the assertions. The Examiner have incorporated several references for Applicant's reference, specifically, for hybrid fiber-Coaxial networks, refer to Sistanizadeh et al. US 6,101,182 and sections cited contained in the final action above.

30. "hybrid fiber co-axial network for transportation purposes," "providing a European Data Over Cable Service Interface Specification network sic, for transportation purposes" are all intended use thus they will not give any patentable weight.

Art Unit: 2154

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "System method and computer program product for supporting multiple service providers with a trouble ticket capability".

- | | | |
|------|------------|---------------------|
| i. | US 6101182 | Sistanizadeh et al. |
| ii. | US 6636502 | Lager et al. |
| iii. | US 6662233 | Skarpness et al. |
| iv. | US 6496575 | Vasell et al. |
| v. | US 6430175 | Jennings et al. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this

Art Unit: 2154

application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
September 4, 2004

A handwritten signature in black ink, appearing to read 'Dinh', with a stylized flourish extending to the right.

Dung C. Dinh
Primary Examiner